

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
CLERK OF COURT

2004 AUG -4 P 12:51

PAUL LECLAIR
Plaintiff,

vs.

HOME DEPOT USA, INC.,
Defendant.

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CIVIL ACTION NO: 04-11633RGS

U.S. DISTRICT COURT
DISTRICT OF MASS

**HOME DEPOT USA, INC.'S
ANSWER AND JURY DEMAND**

THE PARTIES

Home Depot USA, Inc. ("Home Depot") responds to the plaintiff's Complaint as follows:

1. Home Depot is without knowledge or information sufficient to admit or deny the allegations contained in paragraphs 1 of the Complaint.
2. Home Depot admits that it is a Delaware corporation with a principal place of business at 2455 Paces Ferry Road, Atlanta, Georgia.
3. Home Depot admits that it is a Delaware corporation with a principal place of business at 2455 Paces Ferry Road, Atlanta, Georgia at that on March 14, 2002, it operated a retail store at 129 March Avenue, Manchester, New Hampshire.

COUNT I

4. Home Depot repeats its responses to paragraphs 1 though 3.
- 5-6. Denied.

COUNT II

7. Home Depot repeats its responses to paragraphs 1 though 46.

8-10. Denied.

WHEREFORE, Home Depot demands judgment in its favor and an award of costs.

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state claims upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

The Plaintiff is barred from recovery in whole or in part because of his own negligent conduct.

THIRD AFFIRMATIVE DEFENSE

The Plaintiff is barred from any recovery because his alleged injuries and damages were caused by the acts or omissions of third persons over whom Home Depot U.S.A. exercised no control and for whose conduct Home Depot U.S.A. bears no responsibility.

FOURTH AFFIRMATIVE DEFENSE

The Plaintiff is barred from recovery in whole or in part because he failed to mitigate his damages.

FIFTH AFFIRMATIVE DEFENSE

The Plaintiff is barred from any recovery because his conduct, considered alone or in conjunction with that of non-parties, was the sole proximate cause of the alleged damages.

SIXTH AFFIRMATIVE DEFENSE

The Plaintiff is barred from recovery because his alleged damages were caused by the intervening and superseding actions of third persons.

JURY DEMAND

Home Depot U.S.A. demands a trial by jury on all issues.

HOME DEPOT U.S.A., INC.,

By its Attorneys,

CAMPBELL, CAMPBELL EDWARDS
& CONROY, P.C.

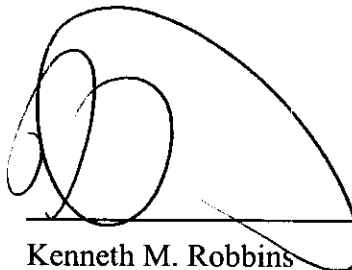


James M. Campbell (BBO# 541882)
Kenneth M. Robbins (BBO# 636231)
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(617) 241-3000

CERTIFICATE OF SERVICE

I, Kenneth M. Robbins, certify I served a copy of the foregoing document on August 3, 2004, on all parties of record, by mailing a copy, postage prepaid, to:

Louis S. Haskell
16 Pine Street
Lowell, MA 01851


Kenneth M. Robbins